

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CASSANDRA BRUCE,

Plaintiff,

vs.

Case No. 12-CV-12359

HON. GEORGE CARAM STEEH

JOHN DOE,

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [DOC. #11] AND DISMISSING ACTION**

On September 12, 2012, Magistrate Judge Charles Binder issued a report and recommendation recommending that the court *sua sponte* dismiss what was docketed as plaintiff's *pro se* §1983 complaint, and return the partial filing fee removed from her Michigan Department of Corrections Trust Account in August. That report followed a letter sent by plaintiff explaining that she had not intended to commence a civil lawsuit. No objections have been filed to the report and recommendation. The standard of review to be employed by the court when examining a report and recommendation is set forth in 28 U.S.C. § 636. This court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

The court hereby **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation. Plaintiff's complaint is **DISMISSED** and the clerk of the district court is hereby **ORDERED** to refund all sums removed from the plaintiff's prisoner trust account in connection

with this action.

IT IS SO ORDERED.

Dated: October 10, 2012

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and on
Cassandra Bruce #502798, Huron Valley Complex - Women,
3201 Bemis Road, Ypsilanti, MI 48197 on
October 10, 2012, by electronic and/or ordinary mail.

s/Barbara Radke

Deputy Clerk